DOCKET NO.:   210229US0PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Hiroshi KAYAKIRI, et al.

SERIAL NUMBER: 09/869,135

FILED: June 25, 2001

FOR: IMIDAZOLE COMPOUNDS AND MEDICINAL USE THEREOF

RESPONSE TO NOTICE OF MISSING REQUIREMENT UNDER 35 U.S.C. 371

ASSISTANT COMMISSIONER FOR PATENTS & TRADEMARKS
WASHINGTON, D.C. 20231

SIR:

Responsive to the notification dated **August 8, 2001**, and in accordance with the provisions of 35 U.S.C. 371, Applicants submit herewith a Rule 63 Declaration.

The required fee was paid at the time of filing the application.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

Our check in the amount of $-0.00- is attached hereto. If any variance exists between the amount enclosed and the required Government fee, please charge or credit the difference to our Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136 and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon
Attorney of Record
Registration No. 24,618
Surinder Sachar
Registration No. 34,423

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(703) 413-3000

UNITED STATES PATENT AND TRADEMARK OFFICE

URGENT

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT		ATTY. DOCKET NO.
09/869135	KAYAKIRI	H	210229USOPCT

OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT
FOURTH FLOOR
1755 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202

INTERNATIONAL APPLICATION NO.

PCT/JP99/07160

I.A. FILING DATE	PRIORITY DATE
20 DEC 99	24 DEC 98

08 AUG 2001

DATE MAILED:

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark
Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.   ☐ Indication of Small Entity Status.
☒ Copy of the international application.   ☒ Translation of the international application into English.
☐ Oath or Declaration of inventors(s).   ☐ Translation of Article 19 amendments into English.
☐ Copy of Article 19 amendments.   ☐ Other:
☒ Priority Document.
☒ The International Preliminary Examination Report in English and its Annexes, if any.
☐ Translation of Annexes to the International Preliminary Examination Report into English.

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or
the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed
prior to 20 or 30 months from the priority date to avoid abandonment.

    ☐ U.S. Basic National Fee.   ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for
acceptance under 35 U.S.C. 371:

    ☐ a. Translation of the application into English. A processing fee will be required if submitted
        later than the appropriate 20 or 30 months from the priority date.
        ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective
          Translation.
    ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the
        appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
    ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying
        the application (preferably by the International application number and international filing date). A
        surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority
        date.
        ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons
          indicated on the attached PCT/DO/EO/917.
    ☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the
        priority date (37 CFR 1.492(e)).

4. Additional claim fees of $_____ as a ☐ large entity ☐ small entity, including any required multiple dependent
claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are
due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached
PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2)
MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM
THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY
RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR
1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes MUST be submitted no later than the time period set above or the
Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d))
or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the
address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917   ☐ Notice of Defective Translation
          ☐ PTO-875   ☐ PCT/DO/EO/920

Paulette Kidwell, Paralegal

FORM PCT/DO/EO/905 (March 2001)   Telephone: 703-305-3656